

HANLY CONROY BIERSTEIN SHERIDAN FISHER & HAYES<sup>LLP</sup>

112 MADISON AVENUE  
NEW YORK, NEW YORK 100167416  
www.hanlyconroy.com

ANDREA BIERSTEIN (NY & MA)  
(212) 784-6403  
JAYNE CONROY (NY, DC & MA)  
(212) 784-6402  
CLINTON B. FISHER (NY & DC)  
(212) 784-6446  
PAUL J. HANLY, JR. (NY & TX)  
(212) 784-6401  
STEVEN M. HAYES (NY)  
(212) 784-6414  
THOMAS I. SHERIDAN, III (NY)  
(212) 784-6404

TELEPHONE (MAIN)  
(212) 784-6400

TELECOPIER  
(212) 784-6420

EMAIL  
shayes@hanlyconroy.com

## BY HAND DELIVERY

August 8, 2008

Magistrate Judge Ramon E. Reyes, Jr.  
United States Courthouse  
Eastern District of New York  
Brooklyn Courthouse  
225 Cadman Plaza East, Room 263  
Brooklyn, NY 11201

Re: *In re: Web Tracking Solutions, LLC and Daniel Wexler v. Google, Inc.*, 1:08-cv-03139

Dear Judge Reyes:

I represent Plaintiffs Web Tracking Solutions, LLC and Daniel Wexler in the above-captioned matter.

On July 31, 2008, Plaintiffs electronically filed their summons and complaint. Thereafter, it was discovered that the exhibit that should have been annexed to the complaint had not been electronically filed with the complaint. As such, on August 1, 2008, pursuant to Federal Rule of Civil Procedure 15(a), Plaintiffs electronically filed their First Amended Complaint for the purpose of including the missing exhibit.

Plaintiffs then discovered that Plaintiff Web Tracking Solutions, LLC was misidentified in the caption and in the parties section of the amended complaint as Web Tracking Solutions, Inc. Therefore, on August 4, 2008, Plaintiffs electronically filed a Second Amended Complaint, correcting this inadvertent error, which the clerk's office accepted even though Plaintiffs had already filed one amended complaint as of right.

As noted above, the errors were technical and do not affect the substance of the complaint in

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any manner. We therefore ask that Your Honor allow the Second Amended Complaint to be deemed filed and stand as the complaint in this action.

However, if Plaintiffs have to file a motion to correct the procedural error, we request permission to do so, and pursuant to your Individual Practice Rule III (B), we request a pre-motion conference to discuss same.

I further note that Defendant has not yet been served with any of the aforementioned complaints. Therefore, there will be no prejudice to Defendant if Plaintiffs' Second Amended Complaint be allowed to stand as the complaint in this action.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Steve Hayes", is written over the typed name.

Steven M. Hayes

Encs.